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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
17-21 May 1999

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the third periodic report of PORTUGAL concerning the rights referred to in articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.20)

GE.99-42176 (E)

I. GENERAL INFORMATION

1. In the light of the Committee's decision to give effect to its follow-up procedure in the framework of the consideration of reports, the Committee would appreciate information on the specific measures the Government of Portugal has taken to implement the recommendations contained in the concluding observations of the Committee on the State party's previous reports.

2. Please provide a breakdown of government spending for social security, education and culture.

3. Please indicate the position of the Government of Portugal with regard to the recommendation of the World Conference on Human Rights concerning the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

4. Please provide information as to whether non-governmental organizations were consulted in the process of drafting the report.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1. Self-determination

5. What progress has been made in the diplomatic negotiations with Indonesia regarding the self-determination of East Timor?

Article 2.2. Non-discrimination

6. Paragraphs 98, 99 and 100 show clearly that the concept of race applied in the legal and administrative systems in Portugal is quite incorrect from both the anthropological and legal standpoints. Regardless of the intention behind the text, the Constitutional Court's judgement that Gypsies live in an ethnic purity which has remained unchanged upholds one of the tenets characteristic of ideologies which preach racism and xenophobia. Is there a social movement in Portugal aimed at eradicating concepts of this type, which are clearly anachronistic and contrary to article 2.2 of the Covenant, which protects against all forms of discrimination?

Article 3. Equality between men and women

7. In paragraph 62 (i) of the report, it is stated that one of the tasks of the Commission on the Equality and Rights of Women is to cooperate with international organizations. Is the desirability of cooperating with national organizations also referred to in the document establishing the Commission?

8. What measures has the Government taken to reduce the imbalance between men and women in the number of managerial posts and promotions in the civil service, as referred to in paragraph 202?

Article 4. Limitations of economic, social and cultural rights

9. What has been the significance of the activities of the terrorist association Fuerza Popular 25, mentioned in paragraph 80?

10. Is there a law or regulation governing the length of time during which documents may remain classified, as referred to in paragraphs 89 and 90?

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. The right to work

11. Tables 4 to 6 in the report show that unemployment increased steadily from 4.2 per cent in 1992 to 7.3 per cent in 1996. What measures has the Government taken to deal with this problem?

12. To what does the Government attribute the alarming decline in youth employment (by 20 per cent between 1992 and 1996, according to paragraph 142) and what measures has it taken to change this trend?

13. Which national groups of migrant workers are discriminated against in Portugal?

14. Please provide comparative statistical tables for the past five years for unemployment, disaggregated by economic sector, gender and age.

Article 7. The right to just and favourable conditions of work

15. What measures has the Government taken to improve the situation of working individuals, in particular women, who have children or elderly persons as dependents?

16. Has the Government taken special measures to arrest the loss of purchasing power of the minimum wage referred to in paragraph 215?

Article 9. The right to social security

17. Do foreign workers have the same rights to social security as Portuguese workers?

18. In paragraphs 242 and 243 on contractual relations, no mention is made of collective contracts. What is the significance of this omission?

19. Paragraphs 292 and 297 of the report refer to concerns about the stability of the social security system and proposals for its reform. However, the report is not explicit about funding problems or the main objectives of the reform. Please provide more information on this issue.

Article 10. Protection of the family, mothers and children

20. Please discuss the provisions of articles 140, 141 and 142 of the Criminal Code and the legal status of abortion in Portugal.

21. Please provide statistics on the number of illegal abortions and the number of court decisions handed down concerning such abortions.

22. Decree-Law No. 322/95 providing for the dismissal of pregnant women, as referred to in paragraph 317, appears to be contrary to the letter and spirit of article 10, paragraph 2, of the Covenant. Please indicate the circumstances in which pregnant women can be dismissed and describe the procedures for protection following dismissal.

23. Please provide information on the extent of the problem of domestic violence in Portuguese society and on the legal and practical measures taken by the Government to deal with this problem.

24. Please provide information on the situation with regard to child pornography and on the measures and programmes the Government has adopted to combat this phenomenon.

Article 11. Right to an adequate standard of living

25. What is the geographical distribution of the 2 million poor people in Portugal mentioned in paragraph 404? What measures has the Government taken to address the problem of poverty?

26. Paragraph 418 mentions the CAIS project, which operates as a community support association, but does not mention institutions or official programmes to deal with the problems of homeless people and families. Do such institutions and programmes exist?

27. Who are the competent authorities in the area of forced evictions and what measures have been undertaken by these authorities to solve the problem?

Article 12. Right to physical and mental health

28. Please provide information on the extent of drug trafficking and drug addiction in Portugal.

29. Please describe the laws adopted and measures taken to combat the production, trafficking, distribution, possession and use of prohibited drugs.

30. Please provide statistics on the extent of HIV/AIDS infection over the past five years.

Article 13. Right to education

31. Please supply gender disaggregated statistics on the number and percentages of pupils enrolled in primary, secondary and higher education.

32. What levels of education are provided free by the Government and what measures have been undertaken to provide access for disadvantaged groups in society to higher levels of education?

33. Do the children of aliens resident in Portugal have equal access to public education with nationals?

Article 15. Right to take part in cultural life

34. Is there an agency specifically responsible for the international promotion of the Portuguese language and culture?

35. What measures has the Government taken to preserve the languages and traditions of minority groups in Portugal?